



General Assembly

February Session, 2002

Amendment

LCO No. 4726

HB0569204726HR0

Offered by:

REP. SAN ANGELO, 131st Dist.

REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 5692

File No. 450

Cal. No. 302

"AN ACT CONCERNING FIREARMS AND FAMILY VIOLENCE."

1 After line 51, add the following:

2 "Sec. 4. (NEW) (*Effective from passage*) (a) For the purposes of sections
3 4 and 5 of this act and subsection (a) of section 53-202c of the general
4 statutes, as amended by this act, "specified assault weapon" means any
5 of the following firearms: Auto-Ordnance Thompson type, Avtomat
6 Kalashnikov AK-47 type, or MAC-10, MAC-11 and MAC-11 Carbine
7 type.

8 (b) The provisions of subsection (a) of section 53-202c of the general
9 statutes, as amended by this act, shall not apply to any person who (1)
10 in good faith purchased or otherwise obtained title to a specified
11 assault weapon on or after October 1, 1993, and prior to May 8, 2002, in
12 compliance with any state and federal laws concerning the purchase or
13 transfer of firearms, (2) is not otherwise disqualified or prohibited
14 from possessing such specified assault weapon, and (3) has notified the

15 Department of Public Safety in accordance with subsection (c) of this
16 section prior to October 1, 2003, that he or she possesses such specified
17 assault weapon.

18 (c) A person complies with the notice requirement of subdivision (3)
19 of subsection (b) of this section if such person provides the Department
20 of Public Safety with: (1) A copy of the proof of purchase for such
21 specified assault weapon, and (2) one of the following: (A) A copy of
22 state form DPS-3 with respect to such specified assault weapon, (B) a
23 copy of federal ATF Form 4473 with respect to such specified assault
24 weapon, or (C) a sworn affidavit from such person that such specified
25 assault weapon was purchased in compliance with any state and
26 federal laws concerning the purchase or transfer of firearms; except
27 that, if such person does not have a copy of the proof of purchase for
28 such specified assault weapon, such person may satisfy the
29 requirement of subdivision (1) of this subsection by, not later than
30 January 1, 2003, providing such information as the department may
31 require on a form prescribed by the department together with a sworn
32 affidavit from such person that such specified assault weapon was
33 purchased in compliance with any state and federal laws concerning
34 the purchase or transfer of firearms.

35 (d) Any person who is a member of the military or naval forces of
36 this state or of the United States and is unable to meet the notice
37 requirements of subdivision (3) of subsection (b) and of subsection (c)
38 of this section by October 1, 2003, because such person is or was on
39 official duty outside this state, may file such notice within ninety days
40 of returning to the state.

41 (e) As proof that a person has complied with the notice requirement
42 of this section and that such notice has been received by the
43 Department of Public Safety, the department shall issue a certificate of
44 possession for such specified assault weapon. Such certificate shall
45 contain a description of the firearm that identifies it uniquely,
46 including all identification marks, and the full name, address and date
47 of birth of the owner.

48 Sec. 5. (NEW) (*Effective from passage*) (a) In any prosecution for a
49 violation of section 53-202c of the general statutes, as amended by this
50 act, based on the possession by the defendant of a specified assault
51 weapon, it shall be an affirmative defense that the defendant (1) in
52 good faith purchased or otherwise obtained title to such specified
53 assault weapon on or after October 1, 1993, and prior to May 8, 2002, in
54 compliance with any state and federal laws concerning the purchase or
55 transfer of firearms, (2) is not otherwise disqualified or prohibited
56 from possessing such specified assault weapon, and (3) has possessed
57 such specified assault weapon in compliance with subsection (d) of
58 section 53-202d of the general statutes.

59 (b) In any such prosecution, if such defendant proves such
60 affirmative defense by a preponderance of the evidence, the specified
61 assault weapon shall be returned to such defendant upon such
62 defendant notifying the Department of Public Safety in accordance
63 with subdivision (3) of subsection (b) and of subsection (c) of section 4
64 of this act and obtaining a certificate of possession, provided such
65 notification is made not later than October 1, 2003.

66 Sec. 6. Subsection (a) of section 53-202c of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective from*
68 *passage*):

69 (a) Except as provided in section 53-202e, any person who, within
70 this state, possesses any assault weapon, except as provided in sections
71 29-37j and 53-202a to 53-202k, inclusive, [and] subsection (h) of section
72 53a-46a and section 4 of this act, shall be guilty of a class D felony and
73 shall be sentenced to a term of imprisonment of which one year may
74 not be suspended or reduced; except that a first-time violation of this
75 subsection shall be a class A misdemeanor if (1) the person presents
76 proof that he lawfully possessed the assault weapon prior to October 1,
77 1993, and (2) the person has otherwise possessed the firearm in
78 compliance with subsection (d) of section 53-202d.

79 Sec. 7. Section 29-36k of the general statutes is repealed and the

80 following is substituted in lieu thereof (*Effective from passage*):

81 (a) Not later than two business days after the occurrence of any
82 event that makes a person ineligible to possess a pistol or revolver or
83 other firearm, such person shall (1) transfer in accordance with section
84 29-33 all pistols and revolvers which [he] such person then possesses
85 to any person eligible to possess a pistol or revolver and transfer in
86 accordance with any applicable state and federal laws all other
87 firearms to any person eligible to possess such other firearms by
88 obtaining an authorization number for the sale or transfer of the
89 firearm from the Commissioner of Public Safety, and submit a sale or
90 transfer of firearms form to said commissioner within two business
91 days, or (2) deliver or surrender such pistols and revolvers and other
92 firearms to the Commissioner of Public Safety. The commissioner shall
93 exercise due care in the receipt and holding of such pistols and
94 revolvers and other firearms.

95 (b) Such person, or [his] such person's legal representative, may, at
96 any time up to one year after such delivery or surrender, transfer such
97 pistols and revolvers in accordance with the provisions of section 29-33
98 to any person eligible to possess a pistol or revolver and transfer such
99 other firearms in accordance with any applicable state and federal laws
100 to any person eligible to possess such other firearms. Upon notification
101 in writing by the transferee and such person, the Commissioner of
102 Public Safety shall within ten days deliver such pistols and revolvers
103 or other firearms to the transferee. If, at the end of such year, such
104 pistols and revolvers or other firearms have not been so transferred,
105 the commissioner shall cause them to be destroyed.

106 (c) Any person who fails to transfer or surrender any such pistols
107 and revolvers and other firearms as provided in this section shall be
108 subject to the penalty provided for in section 53a-217 or 53a-217c."